

To:

MUR # 5530

The Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

The following website and application of the presidential debate commission's (PDC) rules are the basis of my complaint as a VOTER (not a candidate):

<http://www.debates.org/pages/candse12004.html>

Commission on Presidential Debates' Nonpartisan Candidate Selection Criteria for 2004 General Election Debate Participation

A. Introduction

The mission of the nonpartisan Commission on Presidential Debates (the "CPD") is to ensure, for the benefit of the American electorate, that general election debates are held every four years between the leading candidates for the offices of President and Vice President of the United States. The CPD sponsored a series of such debates in each of the past four general elections, and has begun the planning, preparation, and organization of a series of nonpartisan debates among leading candidates for the Presidency and Vice Presidency in the 2004 general election. As in prior years, the CPD's voter educational activities will be conducted in accordance with all applicable legal requirements, including regulations of the Federal Election Commission that require that debate sponsors extend invitations to debate based on the application of "pre-established, objective" criteria.

The goal of the CPD's debates is to afford the members of the public an opportunity to sharpen their views, in a focused debate format, of those candidates from among whom the next President and Vice President will be selected. In each of the last four elections, there were scores of declared candidates for the Presidency, excluding those seeking the nomination of one of the major parties. During the course of the campaign, the candidates are afforded many opportunities in a great variety of forums to advance their candidacies. In order to most fully and fairly achieve the educational purposes of its debates, the CPD has developed nonpartisan, objective criteria upon which it will base its decisions regarding selection of the candidates to participate in its 2004 debates. The purpose of the criteria is to identify those candidates who have achieved a level of electoral support such that they realistically are considered to be among the principal rivals for the Presidency.

In connection with the 2004 general election, the CPD will apply three criteria to each declared candidate to determine whether that candidate qualifies for inclusion in one or more of CPD's debates. The criteria are (1) constitutional eligibility, (2) ballot access, and (3) electoral support. All three criteria must be satisfied before a candidate will be invited to debate.

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B. 2004 Nonpartisan Selection Criteria

The CPD's nonpartisan criteria for selecting candidates to participate in its 2004 general election presidential debates are:

1. Evidence of Constitutional Eligibility

The CPD's first criterion requires satisfaction of the eligibility requirements of Article II, Section 1 of the Constitution. The requirements are satisfied if the candidate:

- a. is at least 35 years of age;
- b. is a Natural Born Citizen of the United States and a resident of the United States for fourteen years; and
- c. is otherwise eligible under the Constitution.

2. Evidence of Ballot Access

The CPD's second criterion requires that the candidate qualify to have his/her name appear on enough state ballots to have at least a mathematical chance of securing an Electoral College majority in the 2004 general election. Under the Constitution, the candidate who receives a majority of votes in the Electoral College, at least 270 votes, is elected President regardless of the popular vote.

3. Indicators of Electoral Support

The CPD's third criterion requires that the candidate have a level of support of at least 15% (fifteen percent) of the national electorate as determined by five selected national public opinion polling organizations, using the average of those organizations' most recent publicly reported results at the time of the determination.

C. Application of Criteria

CPD's determination with respect to participation in CPD's first-scheduled debate will be made after Labor Day 2004, but sufficiently in advance of the first-scheduled debate to allow for orderly planning. Invitations to participate in the vice-presidential debate will be extended to the running mates of each of the presidential candidates qualifying for participation in CPD's first presidential debate. Invitations to participate in the second and third of CPD's scheduled presidential debates will be based upon satisfaction of the same multiple criteria prior to each debate.

Adopted: September 2003

Complaint:

I am asking for the immediate forced removal of rules such as the "Indicators of Electoral Support" rule by the PDC that prevent voter's representation (candidates) from being in the national debates, yet who could theoretically win the election based on their ballot access.

If the PDC can not comply and invite into the debates all properly eligible candidates based on Evidence of Constitutional Eligibility and Evidence of Ballot Access before the Sept 30th debates I am asking for their forced removal and for the establishment of a debate committee who will follow only the first two guidelines of the PDC's selection criteria for debate candidates so that they do not violate election law and my constitutional rights.

Supportive Statement of the Complaint:

The debate commission does not admit all candidates (voter's representation) to its debate. There are those that are eligible to campaign financing that are not allowed to the debates. In fact if a presidential candidate is on the ballot in enough states, such as my candidate Mr. Peroutka, that were the candidate to prevail in all of them; the candidate could get the electoral votes necessary for election but would not be allowed to go to their debates. Therefore then there's no sound basis to deny such presidential candidate an invitation to a debate of presidential candidates. Using polling results to do so is just a phony ruse that I feel is partisan and used unconstitutionally to avoid letting anybody else really run in the race.

The partisan money right now that is spent and hidden to the public's eye is spent on only two parties and does not represent all citizens who have eligible candidates representing them.

A great deal of money is spent on the presidential debates. Media coverage of such contrived events is worth many millions of dollars. Access here is to thousands of journalists and gives these parties and citizens and unfair advantage over other parties and citizen's representation. The expenditure of all money and that huge in-kind contribution by media is benefiting only two of the parties and their citizens on the ballot. My first question is this: Are they reporting it as they are required by law to do? Are they even registered as political action committees?

In other words, the PDC's debate committees are nothing more than bi-partisan political action committees whose efforts, by their own internal rules, benefit only two parties and their citizens to the purposeful exclusion from comparative consideration of any competing parties or independent candidates who represent a large number of US voters who feel their constitutional rights are being violated.

I thought about this in another way: If one held an election event and invited only one presidential candidate to appear, it would be reportable campaign expenditure on behalf of that candidate. I fail to see how inviting participation of two, but fewer than all ballot-status candidates the people could elect, changes the nature of that campaign expenditure even one tiny bit -- it still benefits only two of the candidates over all others.

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I have read also about a case The Hagelin v. FEC case...

<http://www.dcd.uscourts.gov/04-731.pdf>

To me this group is well founded except for the fact they are trying to achieve their efforts via the candidate instead of via the more important election law and constitutional protection of the voter and the states rights.

The PDC has violated individual voter rights by not allowing candidates, who by ballot access can win the theoretical election and who have made the federal campaign finance matching limits. These candidates therefore symbolize millions upon millions of unrepresented voters, who are being kept out of the public national debates by the PDC. This is plain and simple Tyranny! This thus gives the two of the parties' representation unequal opportunities and access. The use of polls should never be allowed to prohibit the representation and rights of the individual voters. I would site all the variety of candidates over the US history that were NOT democrats or republicans that won the office and ran for it within the national debates and upon which gained the voters support. The 2000 presidential elections as well as this years democratic primaries show the uselessness of polls. If for instance we would have gone with Kerry's initial numbers he too would not been allowed to be in the debates. Rather over time as the debates were executed the nation's voters made their choices state by state and debate by debate. Therefore the PDC's 3rd clause is arbitrarily unreliable and unconstitutional, it prohibits voters from having their candidate be recognized and from these voters receiving their representation and it discriminates against these voters representation who have meet the federal election laws for matched funds and who should be given equal access to national exposure.

I by no sense feel I am qualified to review constitutional and election law as you but it seems to me the following election law sections and constitutional sections of the law are being violated:

Section 1971 a) 2) (2) No person acting under color of law shall -

(A) in determining whether any individual is qualified under State law or laws to vote in any election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote;

(3) For purposes of this subsection -

(A) the term "'vote'" shall have the same meaning as in subsection (e) of this section;

(B) the phrase "'literacy test'" includes any test of the ability to read, write, understand, or interpret any matter.

(b) Intimidation, threats, or coercion

No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of

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Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

- c) Preventive relief; injunction; rebuttable literacy presumption; liability of United States for costs; State as party defendant

Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any election. In any proceeding hereunder the United States shall be liable for costs the same as a private person. Whenever, in a proceeding instituted under this subsection any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a) of this section, the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.

Section 1973n. Impairment of voting rights of persons holding current registration

Nothing in subchapters I-A to I-C of this chapter shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

My Comment:

By preventing my candidate from debating the PDC I feel impairs my vote and my representation from having equal opportunities as compared to other voters who vote for candidates who will be in the debate and who have also meet the federal election funding limit guidelines and can theoretically win the election via their ballot access. The very freedom to change our government when it is going the wrong direction is being subverted and violated by the PDC's partisan actions.

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Constitutional questions:

Article IV Section 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

My comment:

Citizens, such as myself, who want to vote for candidates that are not democrats and are not republicans are having their constitutional rights (article IV section 2) violated since they are not allowed to have their candidates in the national public debates sent through public airways and through public lands. This prevents these voters from showing their privilege of meeting their states voting guidelines to be a candidate for the office of the president of the United States. Secondly for candidates where they meet the federal matched funding laws it is clear that these voters' rights are being constitutionally violated.

Article VI

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

My comment:

To me a poll is a religious or believed system for enlightenment or understanding yet it is used and misused on faith to guide decisions on the selection and validation of candidates before the final election votes are tallied. I feel constitutionally polls are not to be used in qualifying candidates for debates since this would be a religious test of philosophy and socialized belief which could qualify or disqualify voter's candidates to offices or public trusts such as the public debates that are run by the PDC a public trust/corporation. As a scientist and someone very familiar with statistics I know for a fact that these polls are meaningless given the insignificant number of "polled voters" compared to full voter population requires a very, very large sampling before the statistics even begin to accurately predict a very stable voter population. Given the voter population is not stable a one time sampling in an election is mathematically erroneous. It is my belief that such use of polls is fraudulent manipulation against election law and the constitutional protections of its citizens against such tyranny and manipulation of the People's Republic.

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

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My comment:

The FEC is based on congresses laws. The CPD is respected by the FEC and Congress (democrat and republican monopolies). The CPD prohibits freedom of speech by creating a poll to determine eligibility of representatives of voters.

Amendment XIV

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

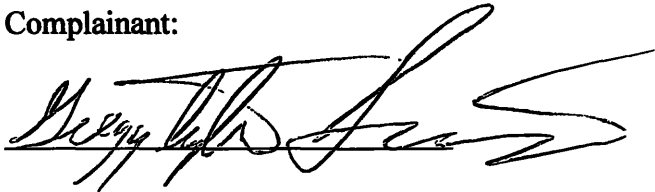
Section 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

My comment:

The PDC's actions to prevent myself and other citizens representation within the public presidential debates and all other non republicans and non democrats is a deprivation of liberty and abridgement of these citizens and states 14th amendment voter rights. As such each states representation should be reduced by the number of citizens that have not signed up to be democrat and republicans of the total number of possible citizens within that state which thereby will reduce that states possible electoral vote and representation to congress thereof until which time either the PDC is not authorized to hold the public national presidential debates or else wise the PDC allows all federally funded presidential candidates to be in every single debate and have equal say on the formats, content and design as every other candidate and their available resources within the PDC and elsewhere. Otherwise I feel more than likely a new non-partisan group such as the CDC should take full control of this year's debate.

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Complainant:



Gregg Tyler Sims
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Keizer, Or. 97303

Notary

Note * Stamp must say: "....signed and sworn to before me..."

STATE OF Oregon

COUNTY OF Benton

Subscribed and sworn before me on this

9/7/04, by Gregg T. Sims


NOTARY PUBLIC

My commission expires march 18, 2008



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